

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

LEHMAN BROTHERS HOLDINGS,  
INC.,

2:11-CV-00379-PMP-LRL

Plaintiff,

**ORDER**

vs.

RMS & ASSOCIATES,

Defendant.

Before the Court for consideration is Defendant's Motion to Dismiss Complaint for Lack of Subject Matter Jurisdiction or, in the Alternative, for Failure to State a Claim Upon Which Relief May be Granted (Doc. #8) filed April 22, 2011.

On May 10, 2011, the Court approved a stipulation of the parties permitting Plaintiff to and including May 23, 2011 within which to file an opposition to Defendant's Motion to Dismiss. Plaintiff has failed to do so and thereby consent to the granting of Defendant's Motion.

**IT IS THEREFORE ORDERED that** Defendant's Motion to Dismiss Complaint for Lack of Subject Matter Jurisdiction or, in the Alternative, for Failure to State a Claim Upon Which Relief May be Granted (Doc. #8) is **GRANTED**.

///

///

1                   **IT IS FURTHER ORDERED** that the Clerk of Court shall enter  
2 judgment in favor of Defendant RMS & Associates and against Plaintiff Lehman  
3 Brothers Holdings Inc.

4  
5 DATED: May 24, 2011.

6  
7 

8 PHILIP M. PRO  
9 United States District Judge  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26